



7020-02

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-941]

### **Certain Graphics Processing Chips, Systems on a Chip, and Products Containing the Same** **Institution of investigation pursuant**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 21, 2014, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Samsung Electronics Co., Ltd of the Republic of Korea and Samsung Austin Semiconductor, LLC of Austin, Texas. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain graphics processing chips, systems on a chip, and products containing the same by reason of infringement of certain claims of U.S. Patent No. 6,147,385 (“the ‘385 patent”); U.S. Patent No. 6,173,349 (“the ‘349 patent”); U.S. Patent No. 7,056,776 (“the ‘776 patent”); and U.S. Patent No. 7,804,734 (“the ‘734 patent”). The complaint further alleges that an industry in the United States exists or, alternatively, is in the process of being established as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that

information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**AUTHORITY:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2014).

**SCOPE OF INVESTIGATION:** Having considered the complaint, the U.S. International Trade Commission, on December 22, 2014, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain graphics processing chips, systems on a chip, and products containing the same by reason of infringement of one or more of claims 1-4, 6, and 19-21 of the '385 patent; claim 10 of the '349 patent; claims 1, 2, 4, 19, 20, and 22 of the '776 patent; and claims 1-3, 7-9, 12-15, 17, and 19 of the '734 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Samsung Electronics Co., Ltd.  
129, Samsung-ro, Yeongtong-gu  
Suwon-si, Gyeonggi-do,  
Republic of Korea 443-742

Samsung Austin Semiconductor, LLC  
12100 Samsung Boulevard  
Austin, TX 78754

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

NVIDIA Corporation  
701 San Tomas Expressway  
Santa Clara, CA 95050

Biostar Microtech International Corp.

2 Floor, No. 108-2 Min Chuan Road

Hsin Tien District, New Taipei, 231

Taiwan

Biostar Microtech (U.S.A.) Corp.

18551 Gale Avenue

City of Industry, CA 91748-1338

Elitegroup Computer Systems Co. Ltd.

No. 239, Sec. 2, Ti Ding Blvd.

Taipei

Taiwan 11493

Elitegroup Computer Systems, Inc.

6851 Mowry Avenue

Newark, CA 94560

EVGA Corp.

2900 Saturn Street, Suite B

Brea, CA 92821

Fuhu, Inc.

909 North Sepulveda Boulevard

El Segundo, CA 90245

Jaton Corp.

47677 Lakeview Boulevard

Fremont, CA 94538

Mad Catz, Inc.

7480 Mission Valley Road

San Diego, CA 92108

OUYA, Inc.

1316 3rd Street

Santa Monica, CA 90401

Sparkle Computer Co., Ltd.

5F.-7, No. 79, Section 1

Xīntáiwǔ Rd, Sijhih District

New Taipei City 221

Taiwan

Toradex, Inc.  
219 1st Avenue  
Seattle, WA 98109

Wikipad, Inc.  
2625 Townsgate Road, Suite 330  
Westlake Village, CA 91361

ZOTAC International (MCO) Ltd  
18-24 Shan Mei Street  
Fo Tan, Shatin  
New Territories, Hong Kong

ZOTAC USA, Inc.  
5793 McCully Street  
Chino, CA 91710

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be

considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: December 23, 2014.

Lisa R. Barton,  
Secretary to the Commission.